

ORIGINAL

HID Form 88 (Rev. 10/07) Subpoena in a Civil Case

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

Issued by the

UNITED STATES DISTRICT COURT FEB 19 2008

DISTRICT OF HAWAII

at 3 o'clock and 15 min. M.
SUE BEITIA, CLERK

Wayne Berry,

SUBPOENA IN A CIVIL CASE¹

V.

Hawaiian Express Service, Inc., et al.

Case Number:² Civil No. CV03-00385 SOM LEK

TO: Brian Marting
 Y. Hata & Co.
 285 Sand Island Access Road, Honolulu, Hawaii 96819

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Lyle S. Hosoda & Associates, LLC 345 Queen Street, Suite 804, Honolulu, Hawaii 96813	DATE AND TIME February 21, 2008 at 9:00 a.m.
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Exhibit "A"

PLACE Lyle S. Hosoda & Associates, LLC 345 Queen Street, Suite 804, Honolulu, Hawaii 96813	DATE AND TIME February 21, 2008 at 9:00 a.m.
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Lyle S. Hosoda
 Lyle S. Hosoda & Associates, LLC
 345 Queen Street, Suite 804, Honolulu, Hawaii 96813

¹ This subpoena is invalid, & imposes no duty on the person served to appear anywhere, if it was not served together with the fees for one day's attendance and mileage. Further, this subpoena imposes no duty on anyone to produce documents or things at his/her own expense.

² If action is pending in district other than district of issuance, state district under case number.

EXHIBIT "A"

1. All bank records, including but not limited to copies (front and back) of cancelled checks, relating to Wayne Berry, after August 2007.
2. All documents and records reflecting any address where communications or payments to Wayne Berry have been directed, after August 2007.
3. All correspondence or communications containing or reflecting any contact information (address, telephone number, etc.) for Wayne Berry after August 2007.
4. All documents and records generated after August 2007 pertaining or relating to Wayne Berry.
5. Any and all correspondence or communication to or from Wayne Berry or any person acting on his behalf after August 2007.

**NOTICE TO A PERSON OR ENTITY SERVED WITH A
SUBPOENA DUCES TECUM WHO IS NOT A PARTY TO THIS CASE**

The Subpoena attached hereto should specifically set forth the materials sought to be subpoenaed.

Any person and/or entity or their attorney objecting to the Subpoena or to disclosure of any materials subpoenaed shall appear on the date and at the time and place for return indicated on the Subpoena and state their objections. Failure to object on the return date may be considered a waiver of any objections.

The person or entity subpoenaed or their counsel may submit a written statement of objections to the Court. If a person or entity objects to disclosure of only part of the material, the pages or sections of material considered confidential and/or nondisclosable shall be tabbed or marked for the court.

Matters presented at the return may be continued from time to time without further notice except as announced at time or return.